

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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GREGORY V. LEE, \$4,675.00 in U.S. Currency,  
One 1997 Ford Expedition, VIN # 1FMU18L4VLB79261,  
N.Y. LIC. No. #DGB-8080,

Plaintiff,

vs

1:08-CV-396

THE CITY OF KINGSTON NEW YORK POLICE  
DEPARTMENT; et al,

Defendants.

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APPEARANCES:

OF COUNSEL:

GREGORY V. LEE  
Plaintiff, Pro Se  
07-A-4990  
Great Meadows Correctional Facility  
P.O. Box 51  
Comstock, NY 12821

DAVID N. HURD  
United States District Judge

**ORDER**

Plaintiff, Gregory V. Lee, brought this civil rights action pursuant to 42 U.S.C. § 1983. In a Report Recommendation dated October 17, 2008, the Honorable David R. Homer, United States Magistrate Judge, recommended that the complaint be dismissed in its entirety without prejudice pursuant to Fed. R. Civ. P. 16(f)(1)(C) and 37(b)(2)(A)(v) for plaintiff's failure to comply with the August 29, 2008 order. The plaintiff has filed timely objections to the Report Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

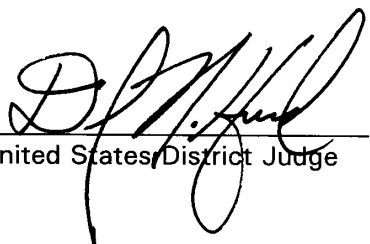
Accordingly, it is

ORDERED that the complaint is DISMISSED in its entirety without prejudice.

The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: November 17, 2008  
Utica, New York.



United States District Judge